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# Transcript

Newsletter of the Orange County Public Law Library

August 2003  
Volume 8 Issue 3

## BOOK BUDGETARY BLUES

by Maryruth Storer, Director

The Law Library's FY03-04 "book" budget is not completely indigo, just azure. In our entire operations budget, we project our income to be approximately \$87,800 less than anticipated expenses. We intend to lower this deficit by additional careful scrutiny of purchases for the collection.

In FY02-03, we spent \$1,109,613 on purchases for the collection (all figures in this article are rounded to the nearest dollar), a 17.55% increase over the FY01-02 costs. This percentage increase is consistent with the experience of other law libraries, as the cost of legal materials has increased at a much greater rate than general inflation for over a decade. The Library's collection consists of several formats: print materials, audiotapes, videotapes, microfiche, CD-ROMs, and diskettes. We also have online subscriptions, accessing material on the Internet. The distribution of expense among these types of materials may be enlightening to patrons.

\$943,683 was spent for print materials. Only \$58,881 was spent on new title purchases. \$233,191 was for purchases of bound continuations, such as court reporters and recompiled statute volumes. \$382,328 was spent to keep looseleaf services current. \$94,894 was spent on pocket parts, the usual supplementation method for bound books. Unbound periodicals cost \$43,191, and another \$10,796 was spent to bind them so that they won't quickly fall apart. *Shepard's Citations* had an annual cost of \$65,848. The Library is doing its part toward helping the state's budget by paying use tax (\$7,639) on purchases made from out-of-state vendors who are not required to collect sales tax as part of the purchase price.

Non-print purchases totaled \$122,795. Audiotapes (\$13,014) and videotapes (\$1,130) are usually used by


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## GOODBYE TO CAROLE

by Mora Prestinary, Reference Librarian

It was cheers and tears at Carole Brotherton's retirement dinner. After 27 years at the Library, Carole was saying goodbye to the Staff. During her stay at OCPLL, she worked many jobs: Library Assistant, Reference Assistant, Circulation Assistant, and Network Specialist and Supervisor. At different times, she chaired the Internet Committee, Marketing Committee and the Safety Committee. She was also instrumental in the development of the Library's newsletter, *The Transcript*, and became its second editor. This newsletter has gone on to win the American Association of Law Libraries "Best Newsletter Award of 2002". An exceptional employee, always cooperative, innovative, and creative, she was much sought-after by staff members. She will be dearly missed.

She and her husband of 40 plus years will settle in Murietta where they have purchased the big house and garden Carole has always dreamed of. We wish them a joyous retirement. 


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attorneys obtaining continuing legal education credits. We purchase some microfiche, for long-term preservation and/or space conservation (can you imagine how many shelves it would take to keep the paper copies of more than 30 years?) of California legislative bills or for information available only in that format, at a cost of \$57,035. \$50,242 was spent for CD-ROMs, some of which are installed on our network for searching by patrons and some of which are individual items, often issued as a supplement to a print item. Diskettes cost \$1,374, and these are also often a supplement to a print item.

Online subscription costs were \$34,944. While we are fortunate that some legal information is available free on the Internet, much of it is available only if purchased. We frequently scrutinize the balancing act we do between free and for a fee, as well as print versus online access, to attempt to have as much information available for patrons at a cost we can afford.

In this new fiscal year, we have budgeted \$1,101,895 for collection purchases. With legal materials inflation as high as it is, spending less than last year means not only not buying "new" titles, but also canceling some of our existing subscriptions. We are now reviewing our subscriptions, considering the annual upkeep cost for each title as well as the breadth of specific subject areas, e.g., if we have more than one looseleaf title for a subject, we'll consider canceling at least one of them.

During this difficult budget year, we welcome your comments about what you think should be included in our collection. We usually are not able to accept book donations, especially of sets (either we already have the title or wouldn't have shelf space to put it!) However, we do welcome monetary donations towards collection costs. We are particularly grateful to the Elder Law Section of the Orange County Bar Association, which since 1994 has donated the price of several subscriptions for titles that its members want the Library to include in its collection, where they are available to all section members. If other OCBA sections wish to sponsor designated pieces of the collection, please contact the Library Director, Maryruth Storer, [mstorer@ocll.co.orange.ca.us](mailto:mstorer@ocll.co.orange.ca.us). 

## THE USA PATRIOT ACT AND ITS EFFECT ON THE LIBRARY COMMUNITY

by Lu Nguyen, Reference Librarian

The USA PATRIOT Act (The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001) was signed by President Bush on October 26, 2001. This Act has caused many concerns in the library communities.

In response to these concerns, the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association had cosponsored a teleconference on the topic "Safeguarding Our Patrons Privacy: What Every Librarian Needs to Know about the USA Patriot Act & Related Anti-Terrorism Measures."

The panelists were Tracy Mitrano, Policy Advisor, Director of Computer Law and Policy Office of the Vice President for Information Technology Cornell University, James Neal, Vice President and University Librarian, Columbia University Libraries, Gary Strong, Director, Queens Borough Public Libraries, and Thomas M. Susman, Partner, Ropes & Gray, Washington, D.C. This teleconference provided libraries with an analysis of the implications of the recent law.

Speakers recommend that a library should have a policy ready in the event that they are served with a search warrant for the records of their patrons. They think that as cultural and living symbols of the freedoms that Americans value highly, libraries will continue to struggle for the balance between access to information for all, the privacy rights of our patrons, and the responsibility to cooperate with law enforcement agencies.

### Library Responses Procedures and Guidelines:

*Librarians' Index to the Internet* has an annotated, organized list of resources available at <http://lii.org/patriotact>

*Privacy and Library Records Update: USA Patriot Act from Infopeople* webcast August 15, 2002  
<http://www.librarylaw.com/Patriotbib.htm>

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# FROM THE REFERENCE DESK

## COMMON, NOT-SO-COMMON & REALLY DUMB QUESTIONS

by John Quigley, who is capable of really dumb answers!

Answering questions is the daily bread (and butter) of librarians. They often justify their existence by recording how many questions they answer. One librarian was especially enthusiastic about this.

Q: "Can I ask a question?"

A: "That's one!"

Q: "One what?"

A: "Two!"

In this article, we go into a little greater depth on questions asked at the Reference Desk.

### COMMON QUESTIONS

Every so often a patron will reveal his or her age by asking "Where's the card catalog?"

Or will ask for "that brown book I was looking at the last time I was here – it came from behind the reference desk!" (Which it usually didn't.) I sometimes suspect that patrons make up a story that some other staff member gave them a non-existent book, which they're convinced exists, to encourage you to look for it.

Questions that I most relish answering are directional:

Q: "Do you have any typewriters?"

A: "Right under that great big sign that says 'TYPEWRITERS'."

Q: "Do you have any copiers?"

A: "Right under *either* of those two great big signs that say 'COPIERS'."

Q: "Where are the restrooms?"

A: "Right in the corner." (pointing to a hallway next to the front entrance)

Q: "You mean outside?"

### NOT-SO-COMMON QUESTIONS

A request for a do-it-yourself surrogacy-parenting form inspired a recent *Transcript* article ("The Brave New World Will Have Lots of Lawyers", November 2000). In this article, we recall with fond amusement other uncommon queries.

Our most challenging question at the Reference Desk was by a patron, dressed as a woman, who described himself as a male transvestite and asked which bathroom he should use. An especially animated staff meeting debated the best answer to that one.

Most unusual phone query: a woman who described her husband, and asked if he was in the library with an attractive blonde. I assured her there were no such women here.

Most unusual query to our new e-mail reference service: "Is it legal in San Clemente to have a dungeon in your house?" (I don't think that's covered by the building code.)

That reminded me of the lawyer, unhappy with the honest advice I had given her, who asked: "Have you ever really suffered?" The first response that came to mind: "I was married for over 20 years; that ought to count for something." Fellow employees suggested other answers: "I think I'm just beginning to!" and "Well, gee, what did you have in mind?" I wonder if she lives in San Clemente.



### REALLY DUMB QUESTIONS

Librarians all over the country have swapped stories comparing dumb questions:

"Do you have books here?"

"Do you have a book with numbers in it?"

"Do you have any books with photographs of dinosaurs?"

"Do you have anything good to read?"

"Do you have a list of all the books written in the English language?"

"Do you have a list of all the books I've ever read?" (Probably a short list.)

"I'm looking for Robert James Walter's book, 'Waltzing through Grand Rapids'."

(Actual title wanted: "Slow Waltz in Cedar Bend.")

"Do you have that book by Rushdie: 'Satanic Nurses'?" (Actual title: "Satanic Verses")

"Why don't you have any books by Ibid? He's written a lot of important stuff."

"Can you tell me why so many Civil War battles were fought on National Park sites?"

"I am looking for a list of laws that I can break that would send me back to jail for a couple of months." (Home for the holidays?)

"Which outlets in the library are appropriate for my hair dryer?"

"Is the basement upstairs?"

(Continued on page 4)

## REALLY DUMB ANSWERS

Early in my library career I volunteered to staff the reference desk with some aides, while the other full-time employees held a meeting. There were many things I didn't know. For example, that there is a county agency, whose functions include processing "confidential marriages", designed for couples who have been living as husband and wife and decided to make it legal without telling everybody that they've been living in sin. I also didn't know that a directory erroneously gave as this agency's phone number the number of a definitely unmarried library employee downstairs. Or that she could, and did, transfer calls for the agency to the reference desk, unbeknownst to persons staffing the desk. The resulting conversation went something like the following.

ME: "Orange County Law Library; may I help you?" (The patron perhaps didn't hear the first part of this greeting.)

PATRON: "What do I have to do to get a confidential marriage?"

ME: "I'm sorry, but we can't give legal advice."

PATRON: "I'm not asking for legal advice."

ME: (Thinking that's what everybody says) "Sounds like legal advice to me. But we have lots of books that you can read."

PATRON: "I don't want to read any books - I want to get married!"


ME: "I've never even heard of a confidential marriage."

PATRON: "Could you connect me with somebody that's more knowledgeable?"

ME: "I'm the most knowledgeable person here."

PATRON: "Then could you return me to the lady that forwarded me to you?"

ME: "There's no lady here; we're all guys. But if you hold, I'll see what I can find out."


Unfortunately, by the time I found out about confidential marriages, the patron had hung up. Some people just have no patience! A fellow employee later consoled me: "If everybody knew what a confidential marriage was, it wouldn't be confidential." 

## Ask a Librarian Question of the Quarter

by Lu Nguyen, Reference Librarian


**Q:** Where can I find the law regarding check writing that says that if there is a discrepancy between the amount in figures and the written amount, the written amount prevails?

**A:** California Commercial Code section 3114 states: "If an instrument contains contradictory terms, typewritten terms prevail over printed terms, handwritten terms prevail over both, and words prevail over numbers."

You can read the California Commercial Code on the internet at the website provided by the California Legislature at <http://www.leginfo.ca.gov/calaw.html> 

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## ON DISPLAY

The library's fall display features our eclectic collection of dictionaries, inspired by the 245<sup>th</sup> anniversary of Noah Webster's birth on October 16th - sometimes designated as Dictionary Day. 

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The USA Patriot Act  
(Continued from page 2)

*Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and its Staff* April 2002 Practical advice for before, during and after


<http://www.ala.org/alaorg/oif/guidelineslibrary.html>

*Guidelines for Librarians on the USA Patriot Act: What to do Before, During and after a "Knock at the Door?"* January 19, 2002

[http://www.ala.org/Content/NavigationMenu/Our\\_Association/Offices/ALA\\_Washington/Issues2/Civil\\_Liberties,\\_Intellectual\\_Freedom,\\_Privacy/The\\_USA\\_Patriot\\_Act\\_and\\_Libraries/patstep.pdf](http://www.ala.org/Content/NavigationMenu/Our_Association/Offices/ALA_Washington/Issues2/Civil_Liberties,_Intellectual_Freedom,_Privacy/The_USA_Patriot_Act_and_Libraries/patstep.pdf)

*Policy Concerning Confidentiality of Personally Identifiable Information about Library Users.* 1991

[http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html)

For a more detailed discussion of the legislative history of the USA Patriot Act, check out *USA Patriot Act: a legislative history of the Uniting and Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Public Law no. 107-56/ [compiled] by Bernard D. Reams, Jr. & Christopher T. Angelim, GEN3 KF9430.A316U83 2002.* 



# MY FAVORITE THINGS

by Bret Christensen, Library Assistant



**S**leeping-in late, hot fudge sundaes, steak and potatoes, and California law; these are a few of my favorite things. What?! California law doesn't get you excited?!? Well, if you're going to visit/work in a law library, you have to find something to get excited about and as a purveyor of law, I have collected a list of some of my favorites. So, without further delay, following is a top ten list of my favorite California laws.

Number 1: California Code of Civil Procedure Section 170.6 (GEN3 KFC30.5 .W4). Have you ever been assigned a judge that you felt was just out to get you? Or maybe you've had a bad experience in the past with a judge to which your case has been assigned. The proper recourse in this instance might be to seek relief by filing a Section 170.6 motion to disqualify a judge.

Number 2: California Penal Code Section 1538.5. Notwithstanding the desire of the prosecution to get all evidence into record at a criminal trial, the defendant has a powerful tool at his/her disposal. A Section 1538.5 motion allows a defendant to challenge evidence that was seized by an unreasonable warrant or evidence that was obtained without a warrant.

Number 3: California Code of Civil Procedure Section 335 et seq. Ever wonder how long you had to file a lawsuit? Then this is the code section for you! Following are some of my favorites within this area:

- |                 |  |
|-----------------|--|
| Section 335.1:  | Personal injury actions                  |
| Section 337:    | Actions for written contracts            |
| Section 339:    | Actions for oral contracts               |
| Section 340.1:  | Civil actions for childhood sexual abuse |
| Section 340.2:  | Actions for exposure to asbestos         |
| Section 340.5:  | Actions for medical malpractice          |
| Section 340.6:  | Actions for attorney malpractice         |
| Section 340.15: | Civil actions for domestic violence      |
| Section 342:    | Actions against a public entity          |

Number 4: California Code of Civil Procedure Section 2024. So, you filed your complaint and have been collecting evidence to support your case. Section 2024 identifies when discovery must be completed prior to trial. What is important about this section is that, in instances where opposing parties are dragging their feet sending in responses, parties must be diligent in their cases and be prepared to file motions to compel discovery and seek sanctions. Failure to do so may result in certain evidence not being made available before a trial is set to begin. Remember, it is your case. As such, you are responsible for being diligent in collecting information – the other side is going to dog you every step of the way and will not be forthcoming with information that will help you win.

Number 5: California Code of Civil Procedure Section 1005 and California Rules of Court, Rule 317 (GEN3 KFC992 .A21). Both Section 1005 and Rule 317 deal with the time for giving notice with regards to motions.

Number 6: California Family Code Sections 3102-3104, 3171, 3176, and 3185. Grandparents have rights, too. At least with regards to visitation rights, grandparents can file a petition with the Superior Court seeking visitation with a grandchild where it is in the best interest of the child to do so.

Number 7: California Code of Civil Procedure Section 412.20(a)(3). So you've been served with a complaint and now you're sweating bullets. What to do, what to do?!? Well, one of the first things to address is how long you have to respond to the complaint and Section 412.20(a)(3) spells it out in plain English.

Number 8: California Code of Civil Procedure Section 473(b). Have you ever been served with a summons and complaint and then forgot you were served. Boy, that can be really annoying. Especially when a default judgment is entered against you and you didn't even get your day in court! Well, Section 473(b) provides people with a vehicle to have default judgments dismissed under certain circumstances. The lawsuit doesn't go away, but at least you have a chance to tell your side of the story.

*(Continued on page 6)*

Number 9: California Code of Civil Procedure Section 2030(h). It's a real bummer getting sued. Heck, it gets even nastier when they start serving all those discovery requests. So, how long does a party have to respond to interrogatories and/or a request for admissions? It's all in the book. Note that failure to comply with a request can result in your being served with a motion to compel discovery, payment of sanctions for failure to comply (CCP Section 2023), and may also include the payment of the other party's costs of suit (CCP Section 1021.1).

Last, but not least, Number 10: Orange County Superior Court Rules 441, 445, and 450 (GEN3 KFC 992.A3 O562). OK, there are three Rules here but they're all important and all related to case management. Rule 441 requires parties to file a Meet and Confer Statement. The purpose of this Statement is twofold: 1) to force parties to meet and iron out difficulties normally associated with litigation and 2) to open lines of communication which, hopefully, will aid in settling the case without judicial intervention.

Under Rule 445, counsel for the plaintiff (or a pro per) must file a Joint Case Management Statement (local form L-1113) with the Judge to whom the case has been assigned. Failure to comply with Rule 445 will result in...well, you really want to comply with this Rule.

Finally, Rule 450 requires that all parties schedule an issue conference/case management conference. Issues to be discussed at this conference include exchange of exhibits and witness lists, preparation of a Joint State of the Case, and a plethora of other matters.

What is important to realize is that merely filing a complaint, being served with a complaint, or being charged with a crime is not the end of your troubles, or the world. Before doing anything, however, check the local rules, state rules, applicable state codes, as well as any rules that pertain to whichever court your case has been assigned to because each judge has their own preference as to how matters are handled. Whatever the outcome, I have no doubt but that once exposed to the California justice system, you too will become excited about the law - or at least develop one of those annoying nervous twitches. 📖

## Legal Research Guides Available On-Line

Visit our web site at [www.oc.ca.gov/lawlib/](http://www.oc.ca.gov/lawlib/)

- *California Law Research on the Internet*
- *Federal Law Research on the Internet*
- *Criminal Law Research on the Internet*
- *Business Research on the Internet*
- *Electronic Journals - Access to Legal Journals Online*
- *Miscellaneous Legal Research Links*
- *Local Research on the Internet*
- *Expert Witness Sources Legal Careers*

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## LOOKING AT THE WEB

by Mora Prestinary, Reference Librarian



The text of The Patriot Act (Public Law 107-56) can be found at the following web sites:

- [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107\\_cong\\_public\\_laws&docid=f:publ056.107.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ056.107.pdf)
- [http://thomas.loc.gov/cgi-bin/query/z?c107:H.R.3162.ENR:](http://thomas.loc.gov/cgi-bin/query/z?c107:H.R.3162.ENR)

Discussions and more information can be found at the following sites:

- <http://www.llrx.com/features/usapatriotact.htm>
- <http://www.llrx.com/features/libraryrecords.htm>
- [http://archive.salon.com/news/feature/2002/03/06/libraries/index\\_np.html](http://archive.salon.com/news/feature/2002/03/06/libraries/index_np.html) 📖

## JUST FOR FUN

### WORKER'S COMPENSATION CLAIM IS URBAN LEGEND

An Urban Legend is a modern anecdote that has gained wide recognition without any evidence that it is true. One of the oldest is this reported worker's compensation claim:

"I am writing in response to your request for additional information. In block 33 of the accident reporting form, I put "poor planning" as the cause of the accident. You said in your letter that I should explain more fully, and I trust that the following details will be sufficient.

"I am a brick layer by trade. On the day of the accident I was working alone on the roof of a new six story building. When I completed my work, I discovered that I had about 500 pounds of bricks left over. Rather than carry the bricks down by hand, I decided to lower them in a barrel using a pulley, which fortunately was attached to the side of the building at the sixth floor.

"Securing the rope at the ground level, I went up to the sixth floor and pulled the barrel up and loaded it with bricks. Then I went back to the ground and untied the rope, holding it tightly, to insure a slow descent of the 500 pounds of bricks. You will note in block #11 of the accident reporting form that I weigh 135 pounds.

"Due to my surprise at being jerked off the ground so suddenly, I lost my presence of mind and forgot to let go of the rope. Needless to say, I proceeded at a rather rapid rate up the side of the building.

"In the vicinity of the third floor, I met the barrel coming down. This explains the fractured skull and broken collar bone.

"Slowing down only slightly, I continued my rapid ascent, not stopping until the fingers of my right hand were two knuckles deep in the pulley.


"Fortunately, by this time I had regained my presence of mind and I was able to hold on tightly to the rope in spite of my pain.

"At approximately the same time, however, the barrel of bricks hit the ground and the bottom fell out of it. Devoid of the weight of the bricks, the barrel now weighed approximately 50 pounds.

"I refer you again to my weight in block #11. As you can imagine, I began a rapid descent down the side of the building.

"In the vicinity of the third floor, I met the barrel coming up. This accounts for the two fractured ankles, and the lacerations on my legs and lower body.

"The encounter with the barrel slowed me enough to lessen my injuries when I fell into the pile of bricks, and fortunately only three vertebrae were cracked.

"I am sorry to report however, that as I lay there on the bricks in pain, unable to stand, and watching the empty barrel swinging six stories above me, again I lost my presence of mind, I let go of the rope." 



## What's New From The Depository

by Karen Wood, Government Documents Assistant

We have received six new easy-to-read documents from the State of California's Department of Insurance that would be of interest to consumers. They are:

*Automobile Insurance Terms* (2002)  
CALIF CI625 .T47a

*Don't Get Burned After a Disaster* (2002)  
CALIF CI625 .B86


*Guide to Insurance-Related Auto Body Repairs* (2002)  
CALIF CI625 .A963

*Life Insurance* (2002)  
CALIF CI625 .L545 2002

*So You've Had an Automobile Accident. What's Next?* (2002)  
CALIF CI625 .A97

*What Are Your Rights? Automobile and Residential Cancellations, Non-Renewals, and Premium Misquotes*  
CALIF CI625 .R63 2002

From the Federal Government's Department of Homeland Security, we have:

*Preparing Makes Sense: Get Ready Now*  
SUDOC HS 1.2:P 91 

## *Technology at OCPLL*

### **PUBLIC COMPUTER STATIONS**

#### **LEGAL RESEARCH PROGRAMS**

Law Desk  
Authority  
Shepards  
CEB Practice Libraries  
BNA Environmental Law  
Premise– Rutter Group

#### **INTERNET ACCESS & DATABASES**

Loislaw– California & Federal  
LegalTrac– Legal Periodical  
Citations  
CCH tax law & forms

#### **CD-ROM VIEWING STATION WORD PROCESSOR**

#### **CONFERENCE/TRAINING ROOM**

35 person capacity  
Internet-ready  
Projector/screen  
Wired for laptops



**OCPLL will be closed for the following  
Court Holidays**  
**September 1, 2003, Labor Day**  
**October 13, 2003, Columbus Day**  
**November 11, 2003, Veterans Day**  
**November 27 & 28, 2003, Thanksgiving**



#### **Regular Library Hours**

<b>Monday-Thursday</b>	<b>8 am-10 pm</b>
<b>Friday</b>	<b>8 am-6 pm</b>
<b>Saturday</b>	<b>9 am-6 pm</b>

*Closed Sundays and Court Holidays*

**The Orange County Public Law Library**  
derives its income  
from a portion of the filing fees in civil cases  
heard in the Superior Courts of Orange County, rather than  
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